

STATE OF NEVADA
NEVADA DEPARTMENT OF PRISONS
OFFICE OF THE DIRECTOR

DOP INFORMATION BULLETIN #93-47

TO: ALL WARDENS AND MANAGERS

DATE: 5/11/93

FROM: RON ANGELONE, DIRECTOR

SUBJECT: RELEASE PROCEDURES
(SUPERCEDES AR 540 dated 9/3/85; AD 35-93)

I. PURPOSE

To establish guidelines for the release of inmates by parole, pardon, expiration of sentence, court order, and appeal bond.

II. AUTHORITY

NRS 209.511.

III. POLICY

It is the Department's policy, that inmates released from the physical custody of the Department have been duly authorized, consistent with provisions of law, will be discharged in a timely and proper manner. Strict controls will be afforded during the release process to ensure that the release is lawful and that positive identification of the discharging inmate is accomplished prior to his release. The use of inmate clerks in the release process is strictly prohibited.

IV. DEFINITIONS

- A. Discharge Certificate -- The official document, signed by the Director/designee, authorizing an inmate's release via expiration of sentence or full pardon.
- B. Parole -- Conditional release authorized by the Nevada Board of Parole Commissioners consistent with provisions of Chapter 213, Nevada Revised Statutes.
- C. Pardon -- Commutation of sentence authorized by the Nevada Board of Pardons consistent with provisions of Chapter 213, Nevada Revised Statutes.
- D. Expiration of Sentence -- Release following full service of the sentence imposed, less allowances for good behavior and programming, consistent with provisions of Chapter 209, Nevada Revised Statutes.
- E. Court Ordered Release -- Release upon lawful order from a court having jurisdiction to issue such order, i.e., writ of habeas corpus; writ of mandamus; order reversing sentence on appeal; order for production of prisoner, etc.

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- F. Appeal Bond -- Release upon court order following the posting of bond during a pending appeal from judgement of conviction.
- G. Order for Production of Prisoners -- An order directing temporary transfer of custody of an inmate to local authorities for court, or an order directing the Department to transport an inmate for court purposes.
- H. Positive Identification -- The process of physically verifying the identity of an inmate prior to release.

V. PROCEDURE

- A. Approval -- The Chief of Classification and Planning/designee must approve in advance all releases from the Department.
 - 1. Prior to such approval, the CCP/designee will verify the authenticity and validity of all court orders, pardons board orders, writs, bonds or other documents authorizing release and ensure that any holds/detainers are accounted for in the release process. The CCP/designee will assign a release authorization number which shall be placed in the upper right hand corner of the appropriate document. This will not preclude the responsibility of the Associate Warden Programs/designee to review the inmate's I-file prior to release to ascertain that there are no discrepancies regarding the release.
 - 2. In the event an issue concerning validity of any court order or other such document arises, the CCP/designee will contact the office of the Attorney General and initiate necessary legal steps to resolve the issue.
- B. Positive Identification -- In all cases involving release of an inmate positive identification will be made the shift commander immediately prior to the release. Positive identification involves all of the following steps:
 - 1. Personal identification from institutional staff who have first hand knowledge and recognition of the inmate;
 - 2. Physical comparison of the inmate with his current official photograph and descriptive data such as height, weight, color or hair and eyes;
 - 3. Physical examination of identifying marks, scars, tattoos, and other distinguishing features such as missing (amputated) fingers, etc.;
 - 4. Inmate must possess and surrender his current identification card at the time of release.
- C. Documentation - Each institution will ensure that, at a minimum, the following documentation is received, verified and/or completed by duly authorized personnel of the Department and/or Department of Parole and Probation prior to an inmate's release. Inmate clerks will not be utilized for this function.

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1. Release by parole:

- a. Parole agreement;
- b. Parolee receipt;
- c. Release instructions (P&P form);
- d. Property receipt;
- e. Forwarding address card;
- f. Registering Requirements per NRS 202.360, 207.080 and 207.150 relating to possession of weapons, registration and fingerprinting of ex-felons.

2. Release by pardon:

- a. Discharge certificate;
- b. Pardons Board action sheet;
- c. Property receipt;
- d. Forwarding address card;
- e. Registering Requirements per NRS 202.360, 207.080 and 207.050 relating to possession of weapons, registration and fingerprinting of ex-felons.

3. Release by expiration:

- a. Discharge certificate;
- b. Property receipt;
- c. Forwarding address card;
- d. Registering Requirements per NRS 202.360, 207.080 and 207.050 relating to possession of weapons, registration and fingerprinting of ex-felons.

4. Release by Court Order/Order for Production of Prisoner:

- a. Written or verbal (in the event time factors preclude written confirmation) approval by the CCP/designee;
- b. Certified copy of Court Order or confirmation by CCP/designee that the Court Order has been received.

5. Release on Appeal Bond:

- a. Written or verbal (in the event time factors preclude written confirmation) approval by the CCP/designee;
- b. Certified copy of order granting bond on appeal;
- c. Certified copy of receipt of bond by court clerk;
- d. Photocopy of bond document; or,
- e. Confirmation by CCP/designee that 5(b) (c) and (d) have been received.

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6. Each institution will develop detailed procedures concerning forms, routing requirements, and internal approval of all documentation involved in the release process.
- D. Time of Release -- When feasible, releases should be scheduled for processing on weekdays between the hours of 8:00am - 4:00pm. The actual physical release of inmates will be made on the authorized date.
 1. Each institution will develop procedures consistent with provisions of this Regulation to facilitate after-hours and weekend releases when required.
 2. At a minimum, institutional procedures concerning after-hours or weekend releases will provide for strict accountability and positive identification during the release process.
- E. Notification to Victims and/or Witnesses

Classification and Planning shall, if the victim or witness so requests in writing and provides his current address, notify him at that address when the offender is released from prison. If a current address is not provided, the warden may not be held responsible if this information is not received by the victim or witness. (Per NRS 178.5698).
- F. The Associate Warden Programs shall ensure that a letter is sent to the Sheriff and District Attorney of the County of Commitment notifying them of the release.
- G. The Associate Warden Programs shall also ensure that a copy of the judgement of conviction (on any inmate whose commitment offense was from Washoe County) is sent to the Washoe County Court Clerk. The date released, method of release i.e., parole, expiration, etc., and signature of authorized personnel shall be noted on the back of the Judgement.
- H. Under exceptional circumstances, an inmate pending release from a rural location may be transferred to an urban location. Such situations may include the unavailability of private or public transportation, or for any kind of exit preparations when the release was not anticipated. Transfers should be requested only as a last resort, and all exceptions must be approved in advance by the Assistant Director Operations or the staff of the Classification and Planning Division.

VI. REFERENCES

None.


RON ANGELONE, DIRECTOR
NEVADA DEPARTMENT OF PRISONS

5/11/93

ISSUE DATE

THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.